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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Makoto SASAKI

Group Art Unit: 2625

Application No.: 10/777,378

Examiner: D. TRAN

Filed: February 13, 2004

Docket No.: 118626

For: NUMERICAL PROCESSING APPARATUS, COLOR PROCESSING APPARATUS,
NUMERICAL PROCESSING PROGRAM, COLOR PROCESSING PROGRAM, AND
STORAGE MEDIUM

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the December 23, 2008 Election of Species Requirement, Applicant provisionally elects Species II, with traverse. At least claims 5-10, 12 and 14 read on the elected Species.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. For example, the differences between the independent claims directed to alleged Species I and Species II are words "output points" and "output colors." Other features are substantially similar to each other.

Because of these similarities and no indication that the field of search differs, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must

examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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Date: January 23, 2009

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